



House of Representatives

General Assembly

File No. 197

January Session, 2007

Substitute House Bill No. 7124

House of Representatives, March 29, 2007

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING NATURAL RESOURCE PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-143a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2008*):

3 All fyke, trap or pound nets shall be buoyed, and the buoy shall
4 bear the registration or license number issued to the owner in figures
5 at least six inches long and each stroke thereof not less than one-half
6 inch wide. The figures shall be painted in black on a light background.
7 The buoy bearing the identification of the owner shall be maintained in
8 a conspicuous place at or near the bowl or heart of the fyke, trap or
9 pound net. [All] The terminal float at both ends of gill nets, seines or
10 similar devices shall [have attached thereto a metal tag, furnished by
11 the commissioner, bearing] be legibly and durably marked or branded
12 with the license number of the owner in characters not less than three-
13 quarters of an inch in height. All boats used to set or tend lobster pots,
14 gill nets, seines, traps, fykes, pounds, eel pots, otter trawls, beam

15 trawls, balloon trawls, or similar devices licensed or registered under
16 the provisions of section 26-142a, shall display in a conspicuous
17 position a license or registration flag furnished by the commissioner.

18 Sec. 2. Section 26-27 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective January 1, 2008*):

20 (a) Except as provided in subsection (b), (c), (e), [or] (f) or (g) of this
21 section and other provisions of this chapter providing specific license
22 exemption, no person shall take, hunt or trap, or shall attempt to take,
23 hunt or trap, or assist in taking, hunting or trapping, any wild bird or
24 mammal and no person more than sixteen years of age shall take,
25 attempt to take, or assist in taking any fish or bait species in the inland
26 waters or marine district by any method or land marine species in the
27 state regardless of where taken, without first having obtained a license
28 as provided in this chapter. No person under sixteen years of age shall
29 hunt or trap, except as provided in section 26-38.

30 (b) Any landowner who has a domiciliary residence in this state, his
31 spouse or lineal descendants may hunt, trap or fish on land owned by
32 him or on land leased by him and on which he is actually domiciled,
33 which land is not used for club, fishing or hunting purposes, without a
34 license, subject to the provisions of this chapter.

35 (c) No fishing license shall be required for any person who is rowing
36 a boat or operating the motor of a boat from which other persons are
37 taking or attempting to take fish.

38 (d) The taking of fish and bait species as herein provided shall be
39 regarded as sport fishing and the taking or landing of such species in
40 the inland waters or marine district by commercial methods for
41 commercial purposes shall be governed by other provisions of this
42 chapter.

43 (e) No fishing license shall be required for any resident of the state
44 who is participating in a fishing derby authorized in writing by the
45 Commissioner of Environmental Protection provided (1) no fees are

46 charged for such derby, (2) such derby has a duration of one day or
47 less and (3) such derby is sponsored by a nonprofit civic service
48 organization. Such organization shall be limited to one derby in any
49 calendar year.

50 (f) The Commissioner of Environmental Protection may designate
51 one day in each calendar year when no license shall be required for
52 sport fishing.

53 (g) No fishing license shall be required for any person who is fishing
54 as a passenger on a party boat, charter boat or head boat registered
55 under section 26-142a and operating solely in the marine district.

56 Sec. 3. Section 26-28 of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective January 1, 2008*):

58 (a) Except as provided in subsection (b) of this section, the fees for
59 firearms hunting, archery hunting, trapping and sport fishing licenses
60 or for the combination thereof shall be as follows: (1) Resident firearms
61 hunting license, fourteen dollars; (2) resident inland waters fishing
62 license, twenty dollars; (3) resident marine waters fishing license,
63 fifteen dollars; (4) resident all-waters fishing license, twenty-five
64 dollars; [(3)] (5) resident combination license to [firearms hunt and]
65 fish in inland waters and firearms hunt, twenty-eight dollars; [(4)] (6)
66 resident combination license to fish in all waters and firearms hunt,
67 thirty dollars; (7) resident combination license to fish in all waters and
68 bow and arrow permit to hunt deer and small game, issued pursuant
69 to section 26-86c, forty-two dollars; (8) resident firearms super sport
70 license to fish in all waters and firearms hunt, firearms private land
71 shotgun/rifle deer permit issued pursuant to section 26-86a and
72 permit to hunt wild turkey during the spring season on private land,
73 issued pursuant to section 26-48a, fifty-eight dollars; (9) resident
74 archery super sport license to fish in all waters, bow and arrow permit
75 to hunt deer and small game, issued pursuant to section 26-86c and
76 permit to hunt wild turkey during the spring season on private land,
77 issued pursuant to section 26-48a, fifty-two dollars; (10) resident
78 trapping license, twenty-five dollars; [(5)] (11) resident junior trapping

79 license for persons under sixteen years of age, three dollars; [(6)] (12)
80 junior firearms hunting license, three dollars; [(7)] (13) nonresident
81 firearms hunting license, sixty-seven dollars; [(8)] (14) nonresident
82 inland waters fishing license, forty dollars; [(9)] (15) nonresident inland
83 waters fishing license for a period of three consecutive days, sixteen
84 dollars; [(10)] (16) nonresident marine waters fishing license, thirty
85 dollars; (17) nonresident marine waters fishing license for a period of
86 three consecutive days, twelve dollars; (18) nonresident all-waters
87 fishing license, fifty dollars; (19) nonresident combination license to
88 [firearms hunt and] fish in inland waters and firearms hunt, eighty-
89 eight dollars; [and (11)] (20) nonresident combination license to fish in
90 all waters and firearms hunt, ninety-five dollars; and (21) nonresident
91 trapping license, two hundred dollars. Persons sixty-five years of age
92 and over who have been residents of this state for not less than one
93 year and who meet the requirements of subsection (b) of section 26-31
94 may be issued [a lifetime] an annual license to firearms hunt or to fish
95 or combination license to fish and firearms hunt or a license to trap.
96 [without fee.] Persons issued a lifetime license or licenses prior to
97 January 1, 2008, must obtain an annual license or licenses to retain
98 firearms hunting, fishing or trapping privileges. There shall be no fee
99 for annual licenses issued to persons having reached sixty-five years of
100 age or older as of December 31, 2007. The annual fees for licenses
101 issued to persons reaching age sixty-five after December 31, 2007, shall
102 be as follows: (A) To firearms hunt, ten dollars; (B) to fish in all waters,
103 ten dollars; (C) combination license to fish in all waters and firearms
104 hunt, fifteen dollars; and (D) to trap, ten dollars. The issuing agency
105 shall indicate on a combination license the specific purpose for which
106 such license is issued. The town clerk shall retain a recording fee of one
107 dollar for each license issued by him.

108 (b) Any nonresident residing in one of the New England states or
109 the state of New York may procure a license to hunt or to fish or to
110 hunt and fish for the same fee or fees as a resident of this state if he is a
111 resident of a state the laws of which allow the same privilege to
112 residents of this state.

113 (c) All fees collected by the Department of Environmental Protection
114 pursuant to this section shall be deposited into the Conservation Fund
115 established pursuant to section 22a-27h.

116 Sec. 4. Section 26-35 of the general statutes is repealed and the
117 following is substituted in lieu thereof (*Effective January 1, 2008*):

118 Each firearms hunting, archery hunting, trapping or sport fishing
119 license or the combination firearms hunting and fishing license, except
120 licenses issued pursuant to subdivisions [(7)] (11) and [(10)] (17) of
121 subsection (a) of section 26-28, as amended by this act, shall expire
122 December thirty-first next following the date of issue and shall not be
123 transferable. No person shall change or alter such a license or loan to
124 another or permit another to have or use such license issued to himself
125 or use any license issued to another. All licenses shall be carried as
126 designated by the commissioner at all times when such licensee is
127 hunting, trapping or sport fishing and shall be produced for
128 examination upon demand of any conservation officer or other
129 employee of the department designated by the commissioner or any
130 other officer authorized to make arrests or the owner or lessee or the
131 agent of any owner or lessee of any land or water upon which such
132 licensed person may be found. Whenever the commissioner has
133 designated any land or water area a wildlife management study area,
134 he may require such licensee to surrender his license upon entering
135 such area and issue to the licensee an arm band, back tag or other
136 identification. The license shall be returned to the licensee upon
137 leaving such area. Each person receiving a license to hunt or to trap
138 shall make an annual report to the commissioner in such form and at
139 such time as may be required by him showing the numbers and kinds
140 of birds and quadrupeds killed or trapped. A firearms hunting or a
141 combination firearms hunting and fishing license shall not authorize
142 the carrying or possession of a pistol or revolver.

143 Sec. 5. Section 26-46 of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective January 1, 2008*):

145 (a) If and when the state of New York, the state of Massachusetts or

146 the state of Rhode Island enacts a similar law granting reciprocal
147 privileges to residents of this state, any person who holds a license to
148 fish in the state of New York, the state of Massachusetts or the state of
149 Rhode Island may fish in waters lying partly in this state and partly in
150 such adjoining state, or in such waters as negotiated by the
151 Commissioner of Environmental Protection of this state and any
152 similar authority in such adjoining state, without a nonresident license
153 to fish as required by this chapter; provided such nonresidents shall be
154 subject to all other provisions of the statutes and the regulations of the
155 commissioner relating to fishing in lakes and ponds.

156 (b) If and when the state of New York, the state of Massachusetts,
157 the state of New Hampshire, the state of Maine or the state of Rhode
158 Island enacts a similar law granting reciprocal privileges to residents
159 of this state, any nonresident who holds a marine or all-waters fishing
160 license issued by one of the aforementioned states may fish in the
161 marine district or land marine species in Connecticut and is not
162 required to purchase a Connecticut nonresident marine or all-waters
163 license. Such nonresidents shall be subject to all other provisions of the
164 statutes and the regulations of the commissioner relating to fishing in
165 the marine district.

166 Sec. 6. Subsection (a) of section 26-142a of the general statutes is
167 repealed and the following is substituted in lieu thereof (*Effective*
168 *January 1, 2008*):

169 (a) For the purposes of this section, an environmental tourism cruise
170 vessel is one which is operated for a fee for the purpose of education
171 and observation and retention of marine and estuarine resources
172 collected under the conditions of the permit issued under this section,
173 except that holders of a permit issued under section 26-60 shall not be
174 required to obtain a permit under this section. No person shall operate,
175 use or attempt to operate or use a vessel for commercial fishing or
176 landing activities authorized by this section unless the commissioner
177 has issued a vessel permit for such vessel to the owner of the vessel.
178 No person shall operate, use or attempt to operate or use a vessel or

179 commercial fishing gear for environmental tourism cruises authorized
180 by this section unless the commissioner has issued an environmental
181 tourism cruise permit for such vessel, including conditions for the use
182 of such fishing gear, to the owner of the vessel. No person shall use or
183 assist in using commercial fishing gear in any water of the state or land
184 in this state any species taken by commercial fishing gear or for
185 commercial purposes, regardless of where such species was taken,
186 unless such person has been licensed by the Commissioner of
187 Environmental Protection to use such commercial fishing gear or land
188 such species; except that any person who holds a license to use gill
189 nets, lobster pots, trawl nets, sea scallop dredges, seines, traps, fish
190 pots, fykes, hook and line, long lines or eel pots may, when using such
191 gear, be accompanied and assisted by persons not so licensed. A
192 resident of a state which does not issue commercial licenses to take eels
193 to residents of Connecticut shall not be eligible to obtain a commercial
194 license to take eels in the waters of this state or to land eels in this state.
195 No vessel shall be used to land any finfish, lobsters, crabs, including
196 blue crabs and horseshoe crabs, sea scallops, squid or bait species for
197 sale, barter, exchange, consignment or transportation to any point of
198 sale unless an operator of the vessel is licensed for such purpose,
199 except that any person who holds a commercial fishing license issued
200 by the commissioner to fish by the method used to take such species,
201 regardless of where such species were taken, shall not be required to
202 obtain a landing license. No person shall take or attempt to take
203 lobsters or horseshoe crabs for personal use by hand or by scuba
204 diving or skin diving unless such person has been licensed by the
205 commissioner to take lobsters or horseshoe crabs by such methods. No
206 person shall take or attempt to take finfish for commercial purposes by
207 the use of hook and line, including, but not limited to, rod and reel,
208 hand line, set line, long line, or similar device unless such person has
209 been licensed by the commissioner to use such gear for commercial
210 purposes, except that notwithstanding the issuance of such a license,
211 no person shall take finfish for commercial purposes in the inland
212 district by the use of hook and line. The use of a purse seine or similar
213 device is prohibited. No pound net shall be used to take finfish unless

214 such pound net is registered with the commissioner. Lobsters and blue
215 crabs taken in pound nets shall be released unharmed. No person shall
216 buy for resale finfish, lobsters, crabs, including blue crabs and
217 horseshoe crabs, sea scallops or squid landed in Connecticut from any
218 commercial fisherman unless such buyer and commercial fisherman
219 have been licensed by the commissioner. A licensed commercial
220 fisherman who acts as a seafood dealer may, without holding a
221 seafood dealer license, sell, ship, consign, transfer or barter his or her
222 own catch of finfish, lobsters, crabs, including blue crabs and
223 horseshoe crabs, sea scallops or squid landed in this state. No person
224 shall take blue crabs for commercial purposes except by scoop net,
225 hand line or manually operated and personally attended devices
226 approved by the commissioner and unless such person has been
227 licensed by the commissioner. No person shall operate a charter boat,
228 party boat or head boat for the purpose of fishing unless such boat has
229 been registered for such purpose with the commissioner and such
230 person holds a current passenger-for-hire license issued by the United
231 States Coast Guard. The owner, operator or captain of any such boat
232 may sell the boat's or crew's share of any tuna species if such sale is not
233 prohibited on the basis of species, size or closed season. For the
234 purposes of this chapter, a charter boat, party boat or head boat is a
235 vessel operated for a fee for the purpose of transporting and providing
236 a fishing platform for sport fishermen taking marine species in
237 Connecticut waters or landing marine species at Connecticut ports
238 regardless of where such species are taken. The commissioner may by
239 regulations adopted in accordance with the provisions of chapter 54
240 exempt certain minnow seines, cast nets, scoop nets, traps, eel pots,
241 seines less than thirty feet in length or any similar device used to take
242 bait species and other species for personal use under a sport fishing
243 license. [in the inland district and without a license in the marine
244 district.] No vessel used to take bait species may employ a fish pump.
245 Persons licensed, registered or issued a permit to engage in activities
246 authorized by this subsection shall carry on their persons or in the
247 vessel being used to engage in such activity the permit, license or
248 registration covering such activity.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|------------------------|------------|
| Section 1 | <i>January 1, 2008</i> | 26-143a |
| Sec. 2 | <i>January 1, 2008</i> | 26-27 |
| Sec. 3 | <i>January 1, 2008</i> | 26-28 |
| Sec. 4 | <i>January 1, 2008</i> | 26-35 |
| Sec. 5 | <i>January 1, 2008</i> | 26-46 |
| Sec. 6 | <i>January 1, 2008</i> | 26-142a(a) |

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 08 \$ | FY 09 \$ |
|--|---------------------------|-----------|-----------|
| Department of Environmental Protection | Conservati - Revenue Gain | See Below | See Below |
| Department of Environmental Protection | GF - Revenue Loss | See Below | See Below |

Note: Conservati=Conservation Fund; GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 08 \$ | FY 09 \$ |
|------------------------|----------------|-------------------|-------------------|
| Various Municipalities | Revenue Impact | Potential Minimal | Potential Minimal |

Explanation

It is estimated that the creation of a new license and fee for sports fishing in marine waters, combination fishing in inland and marine waters, as well as combination all waters fishing and hunting licenses will increase Conservation Fund revenues to the Department of Environmental Protection by approximately \$1.25 million a year. In addition, the bill requires that all hunting, fishing, and trapping licenses be deposited into the Conservation Fund. This will result in an annual revenue gain to the Conservation Fund of approximately \$1.5 - \$2.0 million a year and a commensurate revenue loss to the General Fund. Current law requires that only new fees related to hunting, trapping, or fishing and any increases to those fees since June 30, 1990, be deposited into the Conservation Fund. Total annual Conservation Fund revenues (which also include camping, park admissions, other recreational fees and a portion of the motor fuels tax) are approximately \$10 million a year, and fund 64 full -time positions (including fringe benefits), seasonal positions, and associated expenses for programs related to outdoor recreation and natural resources.

Any increase in revenue to individual town clerks (clerks retain \$1 for each licensed issued) due to additional licenses issued is anticipated to be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 7124*****AN ACT CONCERNING NATURAL RESOURCE PROGRAMS OF
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.*****SUMMARY:**

Current law requires anyone recreationally (i.e., sport) fishing in state inland waters to purchase a fishing license and provides for combination fishing and hunting licenses. The bill creates a new license and imposes a corresponding fee for (1) sports fishing in marine waters and (2) fishing in all state waters, both inland and marine. Inland waters end at the edge of the marine district, where the composition of the water changes from freshwater to saltwater as one enters marine waters. The bill also provides for combination all-waters fishing and hunting licenses.

Under the bill, the annual marine waters license fee is \$15 for residents and \$30 for nonresidents. The annual all-waters license is \$25 for residents and \$50 for nonresidents. The bill limits the fishing licenses under current law to inland fishing only. Under the bill, the Department of Environmental Protection (DEP) must deposit all fishing, hunting, and trapping license fees in the Conservation Fund. The bill exempts from the marine waters license requirement people fishing as passengers on registered party, charter, or head boats that operate solely in the marine district.

The bill changes the way owners must mark certain fishing devices. It specifies that owners must legibly and durably mark or brand the terminal float at both ends of gill nets, seines, or similar devices with the owner's DEP- issued license number in characters at least three-quarters of an inch tall. Current law requires the owner to attach to such devices a metal tag, furnished by the DEP commissioner, bearing

the owner's license number.

The bill changes and phases out the existing free lifetime hunting, fishing, and trapping licenses for qualified people age 65 and older. It instead requires (1) people age 65 and older as of December 31, 2007 to apply annually for licenses at no cost beginning January 1, 2008 and (2) qualified people turning age 65 after December 31, 2007 to pay reduced fees for the annual licenses. It extends in-state fee reciprocity under current law to marine-waters licenses for residents of the New England states and New York and allows free marine waters fishing to residents of the same states if their states (1) enact marine waters fishing licenses for residents and (2) do not charge Connecticut residents for such a license.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2008

HUNTING AND FISHING LICENSES

The bill creates several combination all-water fishing and hunting licenses.

The bill creates a:

1. \$30 resident combination license to fish in all waters and hunt with firearms;
2. \$42 resident combination license to fish in all waters and to hunt deer and small game with a bow and arrow;
3. \$52 resident archery super sport license to fish in all waters and permits to hunt deer and small game with a bow and arrow, and hunt wild turkey during the spring season on private land;
4. \$58 resident firearms super sport license, providing fishing in all waters, firearms hunting, a firearms private land shotgun/rifle deer permit, and a permit to hunt wild turkey during the spring season on private land; and

5. \$95 nonresident combination license to fish in all waters and hunt with firearms.

The bill also creates a \$12 nonresident marine waters fishing license for a period of three consecutive days, similar to an inland license for nonresidents under current law.

Lifetime Licenses

By law, people age 65 and older who have been state residents for at least one year and who have completed instruction in handling and use of hunting weapons may apply for a lifetime license to firearms hunt, fish, fish and firearms hunt, or trap. Under the bill, qualified people to whom DEP issued such a lifetime license or licenses before January 1, 2008 or who are age 65 or older as of December 31, 2007 and are or become qualified must instead annually obtain a license or licenses to firearms hunt, fish, or trap at no cost. Anyone not age 65 by December 31, 2007 must, if qualified, annually obtain a license and pay reduced fees, which are (1) \$10 to firearms hunt, fish in all waters, or trap or (2) \$15 for a combination license to fish in all waters and firearms hunt.

Nonresident Reciprocity

By law, any resident of one of the five other New England states or New York may obtain a Connecticut license to hunt, fish, or to hunt and fish for the same fee or fees as a Connecticut resident if his state allows the same privilege to Connecticut residents. The bill extends this reciprocity to the new licenses under the bill (i.e., if and when the other states develop the same types of licenses).

If New York, Massachusetts, New Hampshire, Maine, or Rhode Island enact a marine waters law granting reciprocal privileges to Connecticut residents, the bill allows any nonresident who holds a marine or all-waters fishing license issued by one of these states to fish in the marine district or land marine species in Connecticut without having to purchase a nonresident marine or all-waters license. It specifies that such nonresidents are subject to all state laws and

regulations relating to fishing in the marine district.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 3 (03/12/2007)